

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

BRAINTREE LABORATORIES, INC.,

Plaintiff,

v.

NOVEL LABORATORIES, INC.,

Defendant.

Civil Action No.: 11-1341

**ORDER**

**SHERIDAN, U.S.D.J.**

WHEREAS Defendant filed three separate motions for summary judgment for non-infringement of U.S. Patent Number 6,946,149 (ECF Nos. 140, 146, 148); and

WHEREAS Plaintiff objected to Defendant's filing of three separate motions for non-infringement rather than one motion with three issues, and thereby far exceed the page requirements set forth in the Local Civil Rules; and

WHEREAS the Court held a conference call with the parties on October 15, 2012; and

WHEREAS the Court has heard and considered argument from the parties, and for the reasons stated on the record during the October 15, 2012 conference call;


**IT IS** on this 15th day of October, 2012:

**ORDERED** that Defendant's motions for summary judgment for non-infringement (ECF Nos. 140, 146, 148) are DENIED without prejudice; and it is further

**ORDERED** that Defendant shall file one motion for summary judgment for non-infringement by October 19, 2012; and it is further

**ORDERED** that Defendant's request to file a brief in support of its motion for summary judgment for non-infringement that exceeds the page limits set forth in Local Civil Rule 7.2(b) is GRANTED, and Defendant may file a brief that is up to 60 pages; and it is further

**ORDERED** that Plaintiff shall file its brief in opposition to Defendant's motion for summary judgment on non-infringement by November 2, 2012, and Plaintiff's brief may be up to 60 pages in length.

  
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PETER G. SHERIDAN, U.S.D.J.

October 15, 2012